

United States Bankruptcy Court

For the NORTHERN District of IOWA

JUL 22 1987

UNITED STATES OF AMERICA

Case No. BARBARA A. EVERLY, CLERK
85-00894W

v.

MICHAEL L. COOPER and
JUDY R. COOPER

Plaintiff

Defendant

Adversary Proceeding No. 86-0466W

JUDGMENT

☒ This proceeding having come on for trial or hearing before the court, the Honorable Michael J. Melloy, United States Bankruptcy Judge, presiding, and the issues having been duly tried or heard and a decision having been rendered,

[OR]

☐ The issues of this proceeding having been duly considered by the Honorable Michael J. Melloy, United States Bankruptcy Judge, and a decision having been reached without trial or hearing,

IT IS ORDERED AND ADJUDGED: Plaintiff shall recover of the defendants the sum of \$22,235.37 as of November 3, 1986 plus interest accruing thereafter through the date of the entry of this judgment at the contract rate, plus interest accruing thereafter at the rate of 6.64% as provided by law.

Copy mailed by ordinary
mail on 7/22/87 to
U.S. Attorney, N. Dist of Iowa;
and R. Fred Dumbaugh mg

RECORDED: Vol II
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[Seal of the U.S. Bankruptcy Court]

Date of issuance: July 22, 1987

BARBARA A. EVERLY

Clerk of Bankruptcy Court

By: Michael A. Golay
Deputy Clerk

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

MAY 23 1991

IN RE:	)	CHAPTER 7	BARBARA A. EVERLY, CLERK
)		
MICHAEL L. COOPER, and JUDY R.	)	BANKRUPTCY NO. 85-00894W	
COOPER,)		
	)	ADVERSARY NO. 86-0466W	
Debtors.)		
)		
UNITED STATES OF AMERICA,	)	PRAECIPE FOR WRIT	
	)	OF GENERAL EXECUTION	
Plaintiff,)		
)		
vs.)		
)		
MICHAEL L. COOPER, and JUDY R.)		
COOPER,)		
)		

The United States of America respectfully requests that the Clerk for the United States Bankruptcy Court for the Northern District of Iowa, issue a Writ of Execution against the above mentioned defendants based upon the judgment rendered in the above mentioned cause, on the 21st day of July, 1987. The terms of that judgment are outlined on the Declaration attached hereto. The total amount due as of May 23, 1991 is \$13,651.28.

Respectfully submitted,

CHARLES W. LARSON
United States Attorney

By,

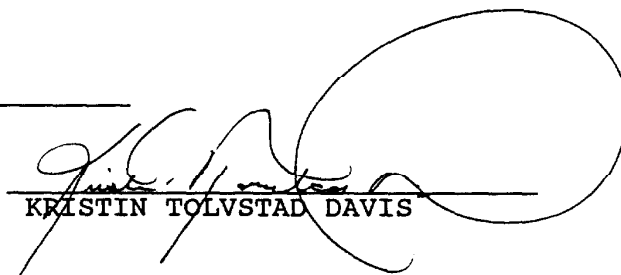
KRISTIN TOLVSTAD DAVIS
Assistant United States Attorney
425 2nd St. S.E., Suite 950
Cedar Rapids, Iowa 52401
319-363-6333

D E C L A R A T I O N

I, Kristin Tolvstad Davis, state that I am an Assistant United States Attorney for the Northern District of Iowa; that I make this unsworn declaration pursuant to Title 28 U.S.C. § 1746; that the United States of America recovered a judgment against the defendants in the sum of \$22,235.37 plus interest accruing thereafter at the rate of 6.64% percent for a total indebtedness of \$13,651.28 as of May 23, 1991.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 23, 1991


KRISTIN TOLVSTAD DAVIS

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

JUN 5 - 1991

BARBARA A. EVERLY, CLERK

IN RE:	)	CHAPTER 7
)	
MICHAEL L. COOPER, and JUDY R.	)	BANKRUPTCY NO. 85-00894W
COOPER,)	
	)	ADVERSARY NO. 86-0466W
Debtors.)	
)	
UNITED STATES OF AMERICA,	)	NOTICE OF GARNISHMENT
	)	AND INTERROGATORIES TO
Plaintiff,	)	FINANCIAL INSTITUTION
)	
vs.)	
)	
MICHAEL L. COOPER, and JUDY R.)	
COOPER,)	
)	

The Denver Savings Bank is hereby notified as Garnishee herein and as supposed debtor of Michael L. Cooper, SSN 480-64-0467, and Judy R. Cooper, SSN 480-62-9910, d/b/a Northeast Iowa Grain Growers, Inc., that you are attached as garnishee in the above entitled action by virtue of a Writ of Execution issued on May 23, 1991 by the Clerk of United States Bankruptcy Court for the Northern District of Iowa, for the total sum of \$13,651.28 as a result of a judgment entered on July 21, 1987. This judgment is not for support, taxes or a consumer credit transaction.

You are further notified that you are required to remand possession of all non-exempt property, including but not limited to funds in excess of \$100.00 held by you in the name of the above mentioned defendants now held or hereafter being held in your custody or control to Clerk, United States Bankruptcy Court,

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Northern District of Iowa, 425 Second Street, S.E., 8th Floor,
Cedar Rapids, Iowa 52401, telephone 319-362-9696.

SEE ATTACHED INSTRUCTIONS TO GARNISHEE FOR ADDITIONAL
INFORMATION.

You shall deliver to the Marshal the property of the
defendants, including issuance of a Cashier's Check for all funds
held, made payable to the Clerk of United States Bankruptcy Court
for the Northern District of Iowa within 10 (ten) days from the
date of service or you may be liable to pay the entire judgment
which said plaintiff may obtain against said defendant.

JAMES P. JONKER
United States Marshal

By:


Deputy

The Attorney for the Plaintiff is:

KRISTIN TOLVSTAD DAVIS
Assistant United States Attorney
425 Second Street, S.E.
Suite 950, The Center
Cedar Rapids, IA 52401

INSTRUCTIONS TO FINANCIAL INSTITUTION

United States v. Michael L. and Judy R. Cooper
d/b/a Northeast Iowa Grain Growers, inc.
Bk. Case No. 85-00894W, Adv. Case No. 86-0466W

On July 21, 1987, a Judgment was entered against the above-mentioned defendant in the amount of \$22,235.37. The total amount due and owing as of May 23, 1991, is \$13,651.28.

A Writ of Execution has been issued by the Clerk for the Northern District of Iowa to satisfy this Judgment. The United States Marshal has served Notice of Garnishment and Interrogatories upon you.

You are first informed that pursuant to the Iowa Code, \$100.00 is exempt and should not be deemed to be subject to the Writ of Execution.

You are further instructed that all funds in excess of \$100.00 and all property held by you, are levied upon and seized, including but not limited to safety deposit boxes, certificates of deposit, etc., and are subject to the custody and control of the Clerk of the United States Bankruptcy Court for the Northern District of Iowa.

You are further instructed that you shall complete the Interrogatories within ten (10) days from the date of service and you shall send those interrogatories to the Office of the United States Attorney, Attention Jean Gregory, 425 Second Street, S.E., Suite 950, The Center, Cedar Rapids, Iowa, 52401.

You are further instructed that any and all funds in excess of \$100.00 that are held in account(s), safety deposit boxes, certificates of deposit, etc., bearing the above mentioned judgment-defendant name, shall be drawn from the account and a cashier's check made payable to the Clerk of United States Bankruptcy Court for the Northern District of Iowa. The amount of the check should not exceed the total current amount due and owing referred to above. The check should be sent to the Clerk of U.S. Bankruptcy Court, 425 Second Street, S.E., 8th Floor, Cedar Rapids, Iowa, 52401.

If you have any questions regarding this matter, please contact the attorney for the plaintiff, Assistant United States Attorney, Kristin Tolvstad Davis at (319-363-6333).

INTERROGATORIES FOR FINANCIAL INSTITUTION
United States v. Michael L. and Judy R. Cooper
d/b/a Northeast Iowa Grain Growers, Inc.
Bk. Case No. 85-00894W, Adv. Case No. 86-0466W

1. Are you in any manner indebted to the defendants in this suit or do you owe the defendants money or property which is not yet due? If so, state the particulars; *No*

2. Have you in your possession or under your control any property, rights, or credits of the said defendants? If so, what is the value of the same? State all the particulars; *No*

3. Do you know of any debts owing to said defendants whether due or not due, or of any property, rights, or credits belonging to the defendants and now in the possession or under the control of others? If so, state the particulars; *No*

4. Do you compensate the defendants in this suit or any personal services whether denominated as wages, salary, commission, bonus or otherwise, including periodic payment pursuant to a pension or retirement program? If so, state the amount of the compensation reasonably anticipated to be paid defendants during the calendar year; *No*

5. Do you maintain any checking and/or savings accounts under the name of these defendants? If so, please advise the amount of same.

savings # 6-998-1 \$333.56
checking # 6-996-5 495.39
cd # 84116 203.40
cd # 84162 203.20

DENVER SAVINGS BANK

By: *Jan Davis*

4th Subscribed and sworn to before me by *Jan Davis*, this
day of *June*, 1991

Diane M. Wikner
Notary Public



6-998-1

DENVER SAVINGS BANK
DENVER, IOWA

FOR BANK USE ONLY			
	CASH		CHECKING
	OTHER		

Date 6-4-91
\$ 333⁵⁶

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

JUN 5 - 1991

BARBARA A EVERLY, CLERK

_____ DOLLARS
DEDUCT ABOVE SUM FROM MY SAVINGS ACCOUNT

PRESENT ADDRESS

ADDRESS Bankruptcy Court Garnish. m Cooper

(SIGNATURE)

10739128371

40

DEBIT

Michael Cooper

DENVER SAVINGS BANK
DENVER, IOWA

Bankruptcy Court Garnish

CREDIT:

APPROVED:

DATE: 6-4-91

ACCOUNT NO.

ACCOUNT NO.
6-996-5

395 | 39

0739128370

28

GENERAL LEDGER DEBIT 74

DENVER SAVINGS BANK
DENVER, IOWA

cd's

Judy Cooper

84116

203	40
-----	----

#84162

203	20
-----	----

CREDIT:

APPROVED:

DATE: 6-4-91

ACCOUNT NO.

20230

00

406	60
-----	----

1:07391 28371:

78

CLERK UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

191

June 11, 1991

$\frac{47-1}{7390}$

PAY TO THE ORDER OF UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF IOWA
FOR UNITED STATES OF AMERICA, PLFF. \$1,135.55

ONE THOUSAND ONE HUNDRED THIRTY-FIVE and 55/100----- DOLLARS

Merchants National Bank
Cedar Rapids, Iowa 52401

A BANK OF IOWA BANK

Per Court Order 7-22-87

Theresa M. Kula
THERESA M. KULA
Deputy Clerk

⑈000191⑈ ⑆073900014⑆ 121287072⑈

DELUXE CHECK PRINTERS

CLERK UNITED STATES
BANKRUPTCY COURT

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW.
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

DELUXE - FORM DVC-2 V-7

RE: USA vs MICHAEL L. COOPER and JUDY R. COOPER
Adversary No. 86-0466W

GARNISHMENT OF MICHAEL & JUDY COOPER PURSUANT TO JUDGMENT ENTERED
BY THIS COURT IN RE ADVERSARY CASE ABOVE NAMED. FUNDS RECEIPTED FOR ON 6-6-91.

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JUN 13 1991

BARBARA A. EVERLY, CLERK

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
NORTHERN DISTRICT OF IOWA

IN RE: / CHAPTER 7
MICHAEL L. COOPER AND / BANKRUPTCY NO. 85-00894W
JUDY R. COOPER / ADVERSARY NO. 86-0466W
DEBTORS /
VS. / REQUEST TO DENY APPLICATION
/ OF GARNISHMENT AND REQUEST FOR
/ HEARING REGARDING SAME.
UNITED STATES OF AMERICA /
PLAINTIFF /

1.)
THE ABOVE NAMED DEBTORS DO HEREBY REQUEST THE COURT TO DENY THE
EXECUTION OF THE GARNISHMENT SERVED UPON THE DENVER SAVINGS BANK
ON JUNE 3, 1991 BASED ON THE FACT THAT THE INCOME LEVEL OF THE
DEBTORS IS BELOW ANY MEASURE OF FEDERAL POVERTY LEVEL.

2.)
THE ABOVE NAMED DEBTORS ALSO REQUEST A HEARING ON THE MATTER
AS PROVIDED BY IOWA CODE SECTIONS 642.14, 630.3A AND 642.21.

3.)
A COPY OF THIS REQUEST HAS BEEN SERVED UPON THE UNITED STATES
ATTORNEY FOR THE NORTHERN DISTRICT OF IOWA
ATTENTION: CHARLES W. LARSON, UNITED STATES ATTORNEY
425 2ND ST. S.E., SUITE 950
CEDAR RAPIDS, IOWA 52401

BY PLACING SAME IN THE U.S. MAIL, CERTIFIED, RETURN RECEIPT
REQUESTED.

RESPECTFULLY REQUESTED,
BY: MICHAEL L. COOPER, DEBTOR
JUDY R. COOPER DEBTOR

Michael L. Cooper

Judy Cooper

MICHAEL & JUDY COOPER
R.R. #3 BOX 26
IONIA, IOWA 50645
319-275-4377

C.C.:

Steve Morley

DENVER SAVINGS BANK
DENVER, IOWA

Copy handed to
filing attorney
on date filed *dm*

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MAR 04 1992

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

IN RE:	)	CHAPTER 7	BARBARA A. EVERLY CLERK
MICHAEL L. COOPER, and JUDY R. COOPER,	)	BANKRUPTCY NO. 85-00894W	
	)	ADVERSARY NO. 86-0466W	
Debtors.)		
UNITED STATES OF AMERICA,	)	SATISFACTION OF JUDGMENT	
Plaintiff,)		
vs.)		
MICHAEL L. COOPER, and JUDY R. COOPER,)		
Defendants.)		

Plaintiff, United States of America, hereby acknowledges satisfaction of a judgment against Judy R. Cooper only, entered on July 22, 1987, in favor of the United States of America, against the above-named defendants. This judgment was entered as a judgment lien in Bremer County, Book 46, page 335, on October 21, 1987. The clerk is hereby authorized and directed to enter full satisfaction of record as to Judy Cooper only in this action.

Respectfully submitted,

CHARLES W. LARSON
United States Attorney

By, *[Signature]*

KRISTIN I. TOLVSTAD
Assistant United States Attorney
425 2nd St. S.E., Suite 950
Cedar Rapids, Iowa 52401
319-363-6333

CERTIFICATE OF SERVICE
I certify that I mailed/hand delivered a copy of the foregoing document to which this certificate is attached to the parties or attorneys of record, shown below, on the 4th day of March, 1992.
By *[Signature]*
UNITED STATES ATTORNEY
Copies to:

David Engelbrecht

Copy handed to
filing attorney
on date filed *[Signature]*

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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

SEP 12 1991

BARBARA A. EVERLY, CLERK

IN RE:	)	CHAPTER 7
)	
MICHAEL L. COOPER, and JUDY R.	)	BANKRUPTCY NO. 85-00894W
COOPER,)	
	)	ADVERSARY NO. 86-0466W
Debtors.)	
)	
UNITED STATES OF AMERICA,	)	ORDER
)	
Plaintiffs,)	
)	
vs.)	
)	
MICHAEL L. COOPER, and JUDY R.)	
COOPER,)	
)	
Defendants.)	

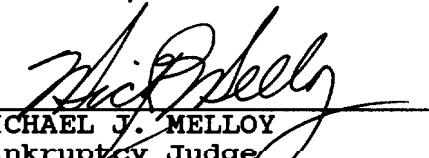
This matter is before the Court on the United States of America's Application to Condemn Funds filed on June 14, 1991. The Court finds that a Notice of Garnishment was served on the judgment-defendants on June 3, 1991. The Court further finds that no motion, answer or other pleading has been filed by the defendant within ten (10) days from the date of service of the Notice of Garnishment.

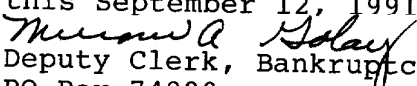
ORDER:

Accordingly, It Is Ordered:

The funds which are subject to the Writ of Execution are hereby condemned. The Clerk of Court shall pay out of the Clerk's Registry the sum of \$1,135.55 to the United States Attorney's office for the Northern District of Iowa, Cedar Rapids, Iowa.

Done and Ordered this 11th day of Sept.,
1991.


MICHAEL J. MELLODY
Bankruptcy Judge
Northern District of Iowa

Copy to:
Kristin Davis,
David Engelbrecht
Michael and Judy Cooper
U.S. Trustee;
this September 12, 1991

Deputy Clerk, Bankruptcy Court
PO Box 74890
Cedar Rapids, IA 52407

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UNITED STATES BANKRUPTCY COURT - NORTHERN DISTRICT OF IOWA
PROCEEDING MEMO

DATE: 9/11/91 Case No. 85-00894W Chapter 7 ^{closed} .No. 86-0466W (closed)

RE: USA v. michael and Judy Cooper Contested No. _____

APPEARANCES: For Plaintiff/Debtor _____

For Defendant/Movant/Creditor _____

U.S. TRUSTEE _____ CASE TRUSTEE _____

NATURE OF PROCEEDING:

☐ Motion to Use Cash Collateral ☐ Objection to Exemptions/Lien Avoidance
☐ Disclosure Statement ☐ Pretrial/Scheduling Conference
☐ Confirmation of ^{FILED} U.S. BANKRUPTCY COURT _{NORTHERN DISTRICT OF IOWA} Dischargeability/Discharge Complaint
☐ Motion to Dismiss ^{SEP 12 1991} ☐ Objection to Final Report/Claims Report
☐ Status Conference ☐ Motion to Assume/Reject
☐ Trial ^{BARBARA A. EVERLY, CLERK} Rescheduled hearing on Debtors' Request
OUTCOME: ☒ Other ~~to Deny Application of Garnishment~~

☐ Settled: Settlement documents to be submitted within 30 days or matter will be dismissed pursuant to Local Rule 13(D).

☒ Other: Debtor did not appear - order entered condempning funds.

ORDERS:

☐ Taken Under Advisement _____

☐ Briefs Due _____

☐ Judgment Entered by the Court pursuant to F.R.B.P. 9021:

Copy to:
KRistin Davis,
David Engelbrecht
Michael and Judy Cooper
U.S. Trustee;
this September 12, 1991
mg

IT IS SO ORDERED



U.S. Bankruptcy Judge

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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA
SEP 11 1991
BARBARA A. EVERLY, CLERK

IN RE:	)	CHAPTER 7
MICHAEL L. COOPER, and JUDY R.)	
COOPER,	)	BANKRUPTCY NO. 85-00894W
)	
Debtors.	)	ADVERSARY NO. 86-0466W
)	
UNITED STATES OF AMERICA,	)	APPLICATION TO CONDEMN
	)	FUNDS
Plaintiffs,)	
)	
vs.)	
)	
MICHAEL L. COOPER, and JUDY R.)	
COOPER,)	
)	
Defendants.)	

The Plaintiff, United States of America, respectfully requests that the Court enter an Order condemning the funds which are subject to a Writ of Execution issued in the above mentioned case, and in support of said Application states the following:

1. A Writ of Execution was issued by the Clerk of the United States Bankruptcy Court for the Northern District of Iowa on or about May 23, 1991.

2. The Garnishee has remanded to the Clerk of Court, approximately \$1,135.55 in proceeds from the accounts of the defendants. These funds have been deposited in the Clerk's Registry and await disbursement.

3. A Notice of Garnishment was served by the Garnishee on the above mentioned judgment-defendants on or about June 3, 1991, as stated in the Marshal's 285.

4. More than ten (10) days have passed since the Notice of Garnishment was served on the Judgment-defendants and no motion, answer or other pleading has been filed to contest the garnishment.

WHEREFORE, the Plaintiff, United States of America, respectfully requests that the Court issue an order condemning the above mentioned funds.

Respectfully submitted,

CHARLES W. LARSON
United States Attorney

By, 

KRISTIN TOLYSTAD DAVIS
Assistant United States Attorney
425 2nd St. S.E., Suite 950
Cedar Rapids, Iowa 52401
319-363-6333

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JUN 26 1991

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

BARBARA A. EVERLY, CLERK

IN RE:

MICHAEL L. COOPER AND
JUDY R. COOPER,

Debtor(s),

UNITED STATES OF AMERICA,
Plaintiff(s),

VS.

MICHAEL L. COOPER and
JUDY R. COOPER,
Defendant(s).

Chapter 7
Bankruptcy No.
85-00894W

ADVERSARY No.
86-0466W

Order Granting Continuance and Rescheduling
Hearing on Debtors' Request to Deny Application
of Garnishment

A motion to reschedule a hearing having been filed by the plaintiff;

IT IS ORDERED the Motion is granted and the hearing previously
set for July 31st is rescheduled for:

September 11, 1991 at 10:15 A.M. in the


Bankruptcy Court Room 808, Chicago Central Bldg.,
E. 4th & Sycamore, WATERLOO, IOWA.

ORDERED June 26, 1991



MICHAEL J. MELLOY
Bankruptcy Judge

Copy to:
U.S. Attorney,
U.S. Trustee;
debtors, Michael and Judy Cooper
this June 26, 1991


Deputy Clerk, Bankruptcy Court
PO Box 74890
Cedar Rapids, IA 52407

Informational copy to
Steve Mrley, Denver Savings Bank

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UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

AUG 15 1991

IN RE:)		
)		
MICHAEL L. COOPER and	)	CHAPTER 7	BARBARA A. EVERLY CLERK
JUDY R. COOPER,)		
	)	BANKRUPTCY NO	
Debtors)		
	)	85-00894W	
UNITED STATES OF AMERICA,)		
)		
Plaintiff,	)	ADVERSARY NO	
)		
vs.	)	85-0466W	
)		
MICHAEL L. COOPER and)		
JUDY R. COOPER,)		
)		
Defendants.)		

RESPONSE TO DEBTOR'S REQUEST TO DENY APPLICATION
OF GARNISHMENT

Plaintiff, United States of America, respectfully resists
Defendant's Request to Deny Application of Garnishment.

Defendant states in his request that the Court "deny the
execution of the garnishment served upon the Denver Savings Bank
on June 3, 1991, because the income level of the debtors is below
the federal poverty level".

At the threshold, the United States respectfully submits
that this Court deny the relief sought inasmuch as the
garnishment was executed against the debtor's bank account, not
his wages. While section 642.21 of the Code of Iowa allows for
garnishment of wages and restricts the amount that may be
garnished based on wages, that section is inapplicable as the
debtor's wages were not garnished.

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Further, there is no provision in either the Iowa or federal law to deny the garnishment because the debtor's income is below the federal poverty level. Therefore, Defendant's request should be denied.

WHEREFORE, the United States of America respectfully resists the Defendant's Request to Deny Application of Garnishment and for such other relief as the Court deems appropriate.

Respectfully submitted,

CHARLES W. LARSON
United States Attorney

By, 

KRISTIN TOLVSTAD DAVIS
Assistant United States Attorney
425 Second Street S.E.
Suite 950, The Center
Cedar Rapids, Iowa 52401
319-363-6333

CERTIFICATE OF SERVICE

I certify that I ~~mailed and delivered~~ a copy of the foregoing document to which this certificate is attached to the parties or attorneys of record, shown below, on the

15th day of August, 1991
UNITED STATES ATTORNEY

By Debra R. Cook
copies to:

Michael Cooper
Judy Cooper

Copy handed to
filing attorney
on date filed



UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

IN RE:

MICHAEL L. COOPER and
JUDY R. COOPER,
Debtors.

)
) CHAPTER 7
)
)
)

SEP - 9 1991

BARBARA A. EVERLY, CLERK

UNITED STATES OF AMERICA,
Plaintiff,
vs.

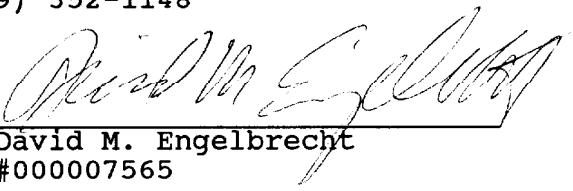
) Adversary No.
) 86
) 85-0466W
)
)

MICHAEL L. COOPER and
JUDY R. COOPER,
Defendants.

) APPEARANCE
)
)

COMES NOW Attorney David M. Engelbrecht and enters his
appearance on behalf of Judy R. Cooper in the above-entitled
matter.

ENGELBRECHT, ACKERMAN & HASSMAN
123 First Street S.E.
Waverly, IA 50677
(319) 352-1148

By: 
David M. Engelbrecht
#000007565

ATTORNEYS FOR JUDY R. COOPER

cc: Kristin Tolvstad Davis

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served
upon all parties to the above cause by depositing a copy thereof in the
U.S. Mail, postage prepaid, in envelopes addressed to each of the
attorneys of record herein at their respective addresses disclosed on the
pleadings, on Sept. 6, 1991

Susan M. Heine

Recorded: Vol. II

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JUN 18 1991

BARBARA A. EVERLY, CLERK

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

IN RE:

MICHAEL L. COOPER and
JUDY R. COOPER,
Debtor(s),

Chapter 7
Bankruptcy No. 85-00894W

Adversary No.
86-0466W

UNITED STATES OF AMERICA,
Plaintiff(s),
vs.

MICHAEL L. COOPER AND
JUDY R. COOPER
Defendant(s).

Notice Setting Hearing on Debtors'
Request to Deny Application of Garnishment

TO: Michael and Judy Cooper, Pro se debtors;
Charles W. Larson, United States Attorney;
U.S. Trustee;

NOTICE IS GIVEN a hearing on the above matter will come before the
Court on:

July 31, 1991 at 1:30 P.M. in the

Bankruptcy Court Room 808, Chicago Central Bldg.,
E. 4th & Sycamore, WATERLOO, IOWA.

DATED June 18, 1991

BARBARA A. EVERLY
Clerk, Bankruptcy Court

by: *Barbara A. Holley*
Deputy Clerk
PO Box 74890
Cedar Rapids, IA 52407

Copies mailed to
parties above-named
this June 18, 1991
MG
(informational copy to
Steve Murley,
Denver Savings Bank)

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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

JUN 21 1991

BARBARA A. EVERLY, CLERK

IN RE:	)	CHAPTER 7
)	
MICHAEL L. COOPER and	)	BANKRUPTCY NO.
JUDY R. COOPER,)	
	)	85-00894W
Debtors.)	
-----)	
UNITED STATES OF AMERICA	)	ADVERSARY NO.
)	
Plaintiff,	)	86-0466W
)	
vs.)	
)	
MICHAEL L. COOPER and	)	MOTION TO RESCHEDULE
JUDY R. COOPER	)	HEARING ON DEBTORS' REQUEST
	)	TO DENY APPLICATION
Defendants.	)	OF GARNISHMENT

COMES NOW the United States of America and moves this Court to continue the hearing on Debtor's Request to Deny Application of Garnishment scheduled for July 31, 1991 at 1:30 P.M. in Waterloo, Iowa and in support thereof states as follows:

The undersigned Assistant United States Attorney for the Northern District of Iowa, who has been handling this case, will be out of the state July 29 through August 2, 1991 on official Department of Justice business and will be unavailable to attend this hearing.

WHEREFORE, the United States of America respectfully requests that the Court continue the hearing scheduled for July 31, 1991, and for such other relief as the Court deems appropriate.

Respectfully submitted,

CHARLES W. LARSON
United States Attorney

By: 

KRISTIN TOLVSTAD DAVIS
Assistant United States Attorney
425 2nd St. S.E.
Suite 950, The Center
Cedar Rapids, IA 52401
319-363-6333

CERTIFICATE OF SERVICE

I certify that I mailed/hand delivered a copy of the foregoing document to which this certificate is attached to the parties or attorneys of record, shown below, on the

21st day of June, 1991
UNITED STATES ATTORNEY

By Linda M. DeFries


copies to:

Michael L. Cooper
Judy R. Cooper
RR #3
Ionia, IA 50645

U.S. Trustee
The Center, Suite 675
425 2nd St. SE, Box 47
Cedar Rapids, IA 52401

Denver Savings Bank
Attn: Steve Murley
121 S. State, Box 381
Denver, IA 50622

Recorded: Vol. II
Page 36

Copy handed to
filing attorney
on date filed 

39671

TRIPLICATE

AO 828
(Rev. 5/80)RECEIPT FOR PAYMENT
UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

RECEIVED FROM:

Denver Savings Bank

Denver, IA

Case Number or other Reference

Garnishment - Adv. 86-0466W

	Fund #	Amount
Registry Funds <i>Checking</i>	-	1139.55
Deposit Funds	0855 -- *	
Filing Fee <i>T.K.</i>	088900	
Forfeitures of Unclaimed Monies	108000	
Interest Deposits to U.S.	143600	
Copy Fees	322360	
Miscellaneous Fees	322360	
Recovery - Court Costs	322360	
Recovery - Stand Trustee	322361	
U.S. Trustee System Fund	507310	
Crime Victims Fund	504100	
Fees for Judicial Services	510000	
Registry Fee	510100	
Total		1139.55

*Last two digits same as last two digits of DO symbol

Checks and drafts are accepted subject to collection and full credit will only be given when the check or draft has been accepted by the financial institution on which it was drawn.

DATE	CASH	CHECK	M.O.	CREDIT	DEPUTY CLERK
6-6-91		X			<i>don</i>

Recorded Vol. # page 36

Department of Justice
United States Marshals Service

PROCESS RETURN AND RETURN
See Instructions for "Service of Process by the U.S. Marshal"
on the reverse of this form.

PLAINTIFF UNITED STATES OF AMERICA		COURT CASE NUMBER Bk. No. 85-00894W
DEFENDANT MICHAEL L. AND JUDY R. COOPER		TYPE OF PROCESS NOTICE OF GARNISHMENT AND INTERROGATORIES
SERVE ➔ AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN Denver Savings Bank	
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 121 S. State, Box 381 Denver, Iowa 50622	
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:		
<div style="border: 1px solid black; padding: 5px;"> UNITED STATES ATTORNEY 425 Second Street, S.E. Suite 950, The Center Cedar Rapids, Iowa 52401 </div>		Number of process to be served with this Form - 285 Number of parties to be served in this case Check for service on U.S.A.

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

JUN - 5 1991

BARBARA A. EVERLY, CLERK

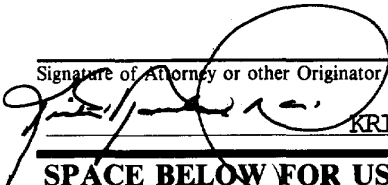
SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Fold


Fold

Serve "Notice of Garnishment & Interrogatories" on financial institution.

SEE ATTACHED INSTRUCTIONS

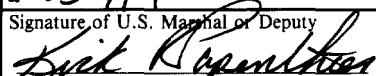
Signature of Attorney or other Originator requesting service on behalf of: 	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER 319-363-6333	DATE 5-23-91
KRISTIN TOLVSTAD DAVIS			

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin No. 29	District to Serve No. 29	Signature of Authorized USMS Deputy or Clerk 	Date 5-29-91
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I hereby certify and return that I ☒ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above) STEVE MURLEY	<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.
Address (complete only if different than shown above)	Date of Service 6-03-91 Time 10:15 am Signature of U.S. Marshal or Deputy 

Service Fee \$60.00	Total Mileage Charges (including endeavors) —	Forwarding Fee —	Total Charges \$60.00	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
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REMARKS:

Recorded: 4 of II
page 360

SSB ACCOUNT NUMBER	6-998-1
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JUN 5 - 1991

BARBARA A EVERLY, CLERK

FOR BANK USE ONLY			
	CASH		CHECKING
	OTHER		

Date 6-4-91
\$ 333⁵⁶

_____ DOLLARS
DEDUCT ABOVE SUM FROM MY SAVINGS ACCOUNT

PRESENT ADDRESS

ADDRESS Bankruptcy Court Garnish. in Cooper

(SIGNATURE)

1:0739 128371:

40

DEBIT

Michael Cooper

DENVER SAVINGS BANK
DENVER, IOWA

Bankruptcy Court Garnish

CREDIT:

APPROVED:

DATE: 6-4-91

ACCOUNT NO.

6-996-5

395 | 39

10739 128371

28

GENERAL LEDGER DEBIT 74

DENVER SAVINGS BANK
DENVER, IOWA

cd's

Judy Cooper

84116

203	40
-----	----

#84162

203	20
-----	----

CREDIT:

APPROVED:

DATE: 6-4-91

ACCOUNT NO.

20230

00

406	60
-----	----


10739128371

78

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN
See Instructions for "Service of Process by the U.S. Marshal"
on the reverse of this form.

PLAINTIFF UNITED STATES OF AMERICA	COURT CASE NUMBER Bk. No. 85-00894W
DEFENDANT MICHAEL L. AND JUDY R. COOPER	TYPE OF PROCESS NOTICE OF GARNISHMENT

SERVE  **AT** {

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
Judy R. Cooper

ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)
**RR#3
Ionia, Iowa 50645**

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:	Number of process to be served with this Form - 285	JUN - 5 1991
UNITED STATES ATTORNEY 425 Second Street, S.E. Suite 950, The Center Cedar Rapids, Iowa 52401	Number of parties to be served in this case	BARBARA A. EVERLY, CLERK
	Check for service on U.S.A.	

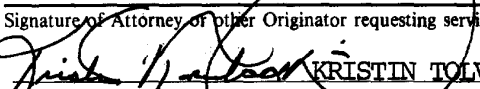
SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Fold

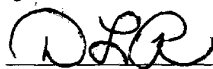
Fold

Serve "Notice of Garnishment" on Defendant.

SEE ATTACHED INSTRUCTIONS

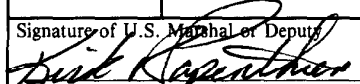
Signature of Attorney or other Originator requesting service on behalf of:  KRISTIN TOLVSTAD DAVIS	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER 319-363-6333	DATE 5-23-91
---	---	---	------------------------

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin No. 29	District to Serve No. 29	Signature of Authorized USMS Deputy or Clerk 	Date 5-29-91
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I hereby certify and return that I ☒ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above) Michael Cooper Husband	<input checked="" type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.
Address (complete only if different than shown above)	Date of Service 6-03-91
	Time 11:15 am
	Signature of U.S. Marshal or Deputy 

Service Fee \$80.00	Total Mileage Charges (including endeavors) —	Forwarding Fee —	Total Charges \$80.00	Advance Deposits	Amount owed to U.S. Marshal or Amount of Refund
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REMARKS:

U.S. Department of Justice
United States Marshals Service

PROCESS RETURN AND RETURN
See Instructions for "Service of Process by the U.S. Marshal"
on the reverse of this form.

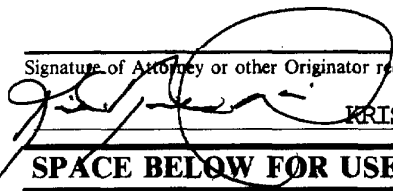
PLAINTIFF UNITED STATES OF AMERICA		COURT CASE NUMBER Bk. No. 85-00894W	
DEFENDANT MICHAEL L. AND JUDY R. COOPER		TYPE OF PROCESS NOTICE OF GARNISHMENT	
SERVE ➡ AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN Michael L. Cooper		
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) RR#3 Ionia, Iowa 50645		
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:		Number of process to be served with this Form - 285 Number of parties to be served in this case Check for service on U.S.A.	
UNITED STATES ATTORNEY 425 Second Street, S.E. Suite 950, The Center Cedar Rapids, Iowa 52401		U.S. BANKRUPTCY COURT NORTHERN DISTRICT OF IOWA JUN - 5 1991 BARBARA A. EVERLY, CLERK	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Fold

Serve "Notice of Garnishment" on Defendant.

SEE ATTACHED INSTRUCTIONS


Signature of Attorney or other Originator requesting service on behalf of: 	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER 319-363-6333	DATE 5-23-91
--	---	----------------------------------	-----------------

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin No. 29	District to Serve No. 29	Signature of Authorized USMS Deputy or Clerk 	Date 5-29-91
---	---------------	------------------------------	-----------------------------	---	-----------------

I hereby certify and return that I ☒ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.	
Address (complete only if different than shown above)	Date of Service 6-03-91	Time 11:15 am
	Signature of U.S. Marshal or Deputy 	

Service Fee \$80.00	Total Mileage Charges (including endeavors) \$60.00	Forwarding Fee -	Total Charges \$140.00	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
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REMARKS:

United States Bankruptcy Court

NORTHERN District of IOWA

In re MICHAEL L. COOPER, and JUDY
R. COOPER

Bankruptcy Case No. 85-00894W

Debtor

Plaintiff UNITED STATES OF AMERICA

v.

Adversary Proceeding No. 86-0466W

Defendant MICHAEL L. COOPER, and JUDY
R. COOPER

WRIT OF EXECUTION TO THE UNITED STATES MARSHAL

Name and Address of Judgment Creditor
United States of America
425 Second Street, S.E.
Suite 950, The Center
Cedar Rapids, Iowa 52401

Amount of Judgment: as of May 23, 1991

\$ 13,651.28

Clerk's Fee:

\$

Other Costs:

\$

Interest From:

\$

Costs of this writ:

\$

vs.

Name and Address of Judgment Debtor
Michael L. and Judy R. Cooper
RR#3
Ionia, Iowa 50645

TO THE UNITED STATES MARSHAL FOR THE Northern DISTRICT OF Iowa:

You are directed to levy upon the property of the above named judgment debtor to satisfy a money judgment in accordance with the attached instructions.

TO THE JUDGMENT DEBTOR:

You are notified that federal and state exemptions may be available to you and that you have a right to seek a court order releasing as exempt any property specified in the marshal's schedule from the levy.

May 23, 1991

Date

Barbara B. Eruly

Clerk of the Bankruptcy Court

UNITED STATES MARSHAL'S RETURN

I received this writ on _____, and executed the same on _____.
(date) (date)

United States Marshal

By:

Deputy Marshal

INSTRUCTIONS TO U.S. MARSHAL
(WRIT OF EXECUTION)

1. After receiving the Writ of Execution issued by the Clerk of United States Bankruptcy Court for the Northern District of Iowa, you shall serve the Notice of Garnishment and Interrogatories on the financial institution at the address listed on the Form USM 285 Process Receipt and Return.

2. Once service has been completed, you shall inquire as to whether the judgment-defendant currently has an account(s), safety deposit box, certificates of deposit, etc. at the garnishee financial institution.

- a. If the financial institution does not maintain any account(s) for the judgment-defendant, the Marshal shall indicate this on the form USM 285 and the financial institution should complete the Interrogatories and send them to the address listed in Paragraph 3.
- b. If the financial institution confirms that the judgment-defendant has an account(s) or any other items listed above, you shall instruct the bank that the funds in the account(s) are seized and levied upon and shall not be disbursed until further order of court. You shall further instruct the financial institution that \$100.00 of the judgment-defendant's account are exempt under Iowa law and this amount should not be subject to the Writ of Execution.

3. You shall further instruct the financial institution that the Interrogatories should be completed and signed by an officer or other responsible party from the bank and return the Office of the United States Attorney, Attention: Financial Litigation Unit, 425 Second Street, S.E., Suite 950, The Center, Cedar Rapids, Iowa, 52401 within ten (10) days from the Date of Service.

4. You shall further instruct the financial institution that all funds currently held in the account(s) of the judgment-defendant are attached and the financial institution shall draft a cashier's check for the non-exempt funds issued to the Clerk of U.S. District Court for the Northern District of Iowa. The amount of the check shall not exceed the amount currently owed, plus accrued interest and costs. The cashier's check shall be mailed to the Clerk of U.S. Bankruptcy Court, Northern District of Iowa, 425 Second Street, S.E., 8th Floor, Cedar Rapids, Iowa, 52401 within ten (10) days from the date of service on the Notice of Garnishment and Interrogatories.

5. The Marshal shall also indicate any other relevant information on the USM 285 relating to the execution in this case.

6. In the event that the financial institution maintains an account(s) in the name of the judgment-defendant, the Marshal shall also serve a Notice of Garnishment upon the judgment-defendants by attempting to locate them at their home address listed on the Form USM-285.

7. The Marshal is also instructed if he has any further questions to contact Kristin Tolvstad Davis, Assistant United States Attorney, at 319-363-6333.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

MAY 23 1991

IN RE:	)	CHAPTER 7	BARBARA A. EVERLY, CLERK
)		
MICHAEL L. COOPER, and JUDY R.	)	BANKRUPTCY NO. 85-00894W	
COOPER,)		
	)	ADVERSARY NO. 86-0466W	
Debtors.)		
)		
UNITED STATES OF AMERICA,	)	PRAECIPE FOR WRIT	
	)	OF GENERAL EXECUTION	
Plaintiff,)		
)		
vs.)		
)		
MICHAEL L. COOPER, and JUDY R.)		
COOPER,)		
)		

The United States of America respectfully requests that the Clerk for the United States Bankruptcy Court for the Northern District of Iowa, issue a Writ of Execution against the above mentioned defendants based upon the judgment rendered in the above mentioned cause, on the 21st day of July, 1987. The terms of that judgment are outlined on the Declaration attached hereto. The total amount due as of May 23, 1991 is \$13,651.28.

Respectfully submitted,

CHARLES W. LARSON
United States Attorney

By,  c.

KRISTIN TOLVSTAD DAVIS
Assistant United States Attorney
425 2nd St. S.E., Suite 950
Cedar Rapids, Iowa 52401
319-363-6333

Recorded. Vol. II
Page 36

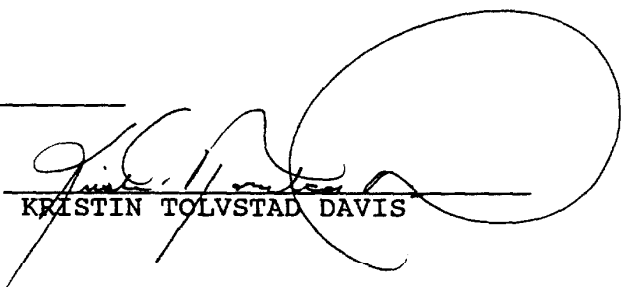
D E C L A R A T I O N

I, Kristin Tolvstad Davis, state that I am an Assistant United States Attorney for the Northern District of Iowa; that I make this unsworn declaration pursuant to Title 28 U.S.C. § 1746; that the United States of America recovered a judgment against the defendants in the sum of \$22,235.37 plus interest accruing thereafter at the rate of 6.64% percent for a total indebtedness of \$13,651.28 as of May 23, 1991.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

May 23, 1991


KRISTIN TOLVSTAD DAVIS

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

JUN 5 - 1991

BARBARA A. EVERLY, CLERK

IN RE:	)	CHAPTER 7
)	
MICHAEL L. COOPER, and JUDY R.	)	BANKRUPTCY NO. 85-00894W
COOPER,)	
	)	ADVERSARY NO. 86-0466W
Debtors.)	
)	
UNITED STATES OF AMERICA,	)	NOTICE OF GARNISHMENT
	)	AND INTERROGATORIES TO
Plaintiff,	)	FINANCIAL INSTITUTION
)	
vs.)	
)	
MICHAEL L. COOPER, and JUDY R.)	
COOPER,)	
)	

The Denver Savings Bank is hereby notified as Garnishee herein and as supposed debtor of Michael L. Cooper, SSN 480-64-0467, and Judy R. Cooper, SSN 480-62-9910, d/b/a Northeast Iowa Grain Growers, Inc., that you are attached as garnishee in the above entitled action by virtue of a Writ of Execution issued on May 23, 1991 by the Clerk of United States Bankruptcy Court for the Northern District of Iowa, for the total sum of \$13,651.28 as a result of a judgment entered on July 21, 1987. This judgment is not for support, taxes or a consumer credit transaction.

You are further notified that you are required to remand possession of all non-exempt property, including but not limited to funds in excess of \$100.00 held by you in the name of the above mentioned defendants now held or hereafter being held in your custody or control to Clerk, United States Bankruptcy Court,

Recorded Vol. II
page 36

Northern District of Iowa, 425 Second Street, S.E., 8th Floor,
Cedar Rapids, Iowa 52401, telephone 319-362-9696.

SEE ATTACHED INSTRUCTIONS TO GARNISHEE FOR ADDITIONAL
INFORMATION.

You shall deliver to the Marshal the property of the
defendants, including issuance of a Cashier's Check for all funds
held, made payable to the Clerk of United States Bankruptcy Court
for the Northern District of Iowa within 10 (ten) days from the
date of service or you may be liable to pay the entire judgment
which said plaintiff may obtain against said defendant.

JAMES P. JONKER
United States Marshal

By:


Deputy

The Attorney for the Plaintiff is:

KRISTIN TOLVSTAD DAVIS
Assistant United States Attorney
425 Second Street, S.E.
Suite 950, The Center
Cedar Rapids, IA 52401

INSTRUCTIONS TO FINANCIAL INSTITUTION

United States v. Michael L. and Judy R. Cooper
d/b/a Northeast Iowa Grain Growers, inc.
Bk. Case No. 85-00894W, Adv. Case No. 86-0466W

On July 21, 1987, a Judgment was entered against the above-mentioned defendant in the amount of \$22,235.37. The total amount due and owing as of May 23, 1991, is \$13,651.28.

A Writ of Execution has been issued by the Clerk for the Northern District of Iowa to satisfy this Judgment. The United States Marshal has served Notice of Garnishment and Interrogatories upon you.

You are first informed that pursuant to the Iowa Code, \$100.00 is exempt and should not be deemed to be subject to the Writ of Execution.

You are further instructed that all funds in excess of \$100.00 and all property held by you, are levied upon and seized, including but not limited to safety deposit boxes, certificates of deposit, etc., and are subject to the custody and control of the Clerk of the United States Bankruptcy Court for the Northern District of Iowa.

You are further instructed that you shall complete the Interrogatories within ten (10) days from the date of service and you shall send those interrogatories to the Office of the United States Attorney, Attention Jean Gregory, 425 Second Street, S.E., Suite 950, The Center, Cedar Rapids, Iowa, 52401.

You are further instructed that any and all funds in excess of \$100.00 that are held in account(s), safety deposit boxes, certificates of deposit, etc., bearing the above mentioned judgment-defendant name, shall be drawn from the account and a cashier's check made payable to the Clerk of United States Bankruptcy Court for the Northern District of Iowa. The amount of the check should not exceed the total current amount due and owing referred to above. The check should be sent to the Clerk of U.S. Bankruptcy Court, 425 Second Street, S.E., 8th Floor, Cedar Rapids, Iowa, 52401.

If you have any questions regarding this matter, please contact the attorney for the plaintiff, Assistant United States Attorney, Kristin Tolvstad Davis at (319-363-6333).

INTERROGATORIES FOR FINANCIAL INSTITUTION
United States v. Michael L. and Judy R. Cooper
d/b/a Northeast Iowa Grain Growers, Inc.
Bk. Case No. 85-00894W, Adv. Case No. 86-0466W

1. Are you in any manner indebted to the defendants in this suit or do you owe the defendants money or property which is not yet due? If so, state the particulars; *No*

2. Have you in your possession or under your control any property, rights, or credits of the said defendants? If so, what is the value of the same? State all the particulars; *No*

3. Do you know of any debts owing to said defendants whether due or not due, or of any property, rights, or credits belonging to the defendants and now in the possession or under the control of others? If so, state the particulars; *No*

4. Do you compensate the defendants in this suit or any personal services whether denominated as wages, salary, commission, bonus or otherwise, including periodic payment pursuant to a pension or retirement program? If so, state the amount of the compensation reasonably anticipated to be paid defendants during the calendar year; *No*

5. Do you maintain any checking and/or savings accounts under the name of these defendants? If so, please advise the amount of same.

Savings # 6-998-1 \$333.56
checking # 6-996-5 495.39
cd # 84116 203.40
cd # 84162 203.20

DENVER SAVINGS BANK

By: *Jan Davis*

4th Subscribed and sworn to before me by *Jan Davis*, this
day of *June*, 19*91*

Diane M. Wikner
Notary Public



FEB 07 1991

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

IN RE:
MICHAEL L. COOPER, and JUDY R.
COOPER,

Debtors.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL L. COOPER, and JUDY R.
COOPER,

Defendants.

CHAPTER 7

BARBARA A. EVERLY, CLERK

BANKRUPTCY NO. 85-00894W

ADVERSARY NO. 86-0466W

NOTICE OF JUDGMENT
DEBTOR EXAMINATION

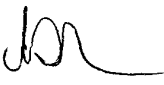
YOU WILL PLEASE TAKE NOTICE that pursuant to Rules 26 and 69(a) of the Federal Rules of Civil Procedure on March 13, 1991, the undersigned, or a designee thereof, will take the oral deposition of Michael L. and Judy R. Cooper, defendants in the above-entitled cause, before Honorable John A. Jarvey, United States Magistrate for the Northern District of Iowa, at the Federal Courthouse, 101 1st Street, S.E., Cedar Rapids, Iowa, Room 212. You are requested to bring with you the items listed on the attached Government Exhibit A.

Respectfully Submitted,

CHARLES W. LARSON
United States Attorney

By: 

KRISTIN TOLVSTAD DAVIS
Assistant United States Attorney
425 2nd Street, SE
Suite 950
Cedar Rapids, Iowa 52401
(319) 363-6333

Copy handed to
filing attorney
on date filed 

Vol. II p.36

LIST OF ITEMS TO BRING TO JUDGMENT DEBTOR EXAMINATION

INDIVIDUAL DEBTOR

1. Earning statements from your most recent paychecks.
2. Business records for the present year and past calendar year which reflect assets, liabilities, gross receipts and expenses for any sole proprietorship, partnership or corporation in which you, or your spouse, own any interest.
3. Current bank statements for the past 12 months from all banks or other financial institutions, where any sole proprietorship, partnership, or corporation in which you, or your spouse, own any interest, has an account of any kind.
4. Current bank statements for the past 12 months from all banks, or other institutions, where you, or your spouse, have an account of any kind.
5. All trust agreements in which you, or your spouse, are named trustor, trustee or beneficiary.
6. All deeds, leases, contracts, and other documents representing any ownership interest you, or your spouse, have in any real property, and all deeds of trust, mortgages, or other documents evidencing encumbrances of any kind on your real property.
7. All stocks, bonds, or other securities of any class you may own, by you separately or jointly with others, including options to purchase any securities.
8. Titles to all motor vehicles owned by you or your spouse.
9. All life insurance policies in which you are either the insured or the beneficiary.
10. All promissory notes held by you, and all other documents evidencing any money owed to you either now or in the future.
11. All financial statements furnished by you within the past five years.
12. All deeds, bills of sale, or other documents prepared in connection with any transfer made by you, either by gift, sale, or otherwise within the last five years.

13. A schedule of all regular expenses paid by you, such as installment debts, food, utilities, etc. Include the amount paid, the payee, and, if an installment debt, the amount of debt owing and any security pledged.
14. All documents evidencing any interest you have in any pension plan, retirement fund, or profit-sharing plan.
15. All records pertaining to your assets and finances.
16. Copies of income tax returns for the past three years.
17. All records of any unincorporated business of which you are an owner or part-owner, or have been an owner within the past three years.

FEB - 7 1991

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

BARBARA A. EVERLY, CLERK

IN RE:
MICHAEL L. COOPER, and JUDY R.
COOPER,

Debtors.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL L. COOPER, and JUDY R.
COOPER,

Defendants.

CHAPTER 7

BANKRUPTCY NO. 85-00894W

ADVERSARY NO. 86-0466W

NOTICE OF JUDGMENT
DEBTOR EXAMINATION

Requiring Appearance

YOU ARE COMMANDED to appear at the Federal Courthouse, 101
1st Street, S.E., Room 212, Cedar Rapids, Iowa, on March 13,
1991, at 2:00 p.m., for a judgment debtor examination in the
above-entitled action and to bring with you the items on the
attached Government Exhibit A.

BARBARA A. EVERLY
United States Bankruptcy Court



By:

Barbara A. Everly
~~Deputy~~ Clerk

If you have any questions regarding this matter, please
contact Jean Gregory, at 319-363-6333.

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LIST OF ITEMS TO BRING TO JUDGMENT DEBTOR EXAMINATION

INDIVIDUAL DEBTOR

1. Earning statements from your most recent paychecks.
2. Business records for the present year and past calendar year which reflect assets, liabilities, gross receipts and expenses for any sole proprietorship, partnership or corporation in which you, or your spouse, own any interest.
3. Current bank statements for the past 12 months from all banks or other financial institutions, where any sole proprietorship, partnership, or corporation in which you, or your spouse, own any interest, has an account of any kind.
4. Current bank statements for the past 12 months from all banks, or other institutions, where you, or your spouse, have an account of any kind.
5. All trust agreements in which you, or your spouse, are named trustor, trustee or beneficiary.
6. All deeds, leases, contracts, and other documents representing any ownership interest you, or your spouse, have in any real property, and all deeds of trust, mortgages, or other documents evidencing encumbrances of any kind on your real property.
7. All stocks, bonds, or other securities of any class you may own, by you separately or jointly with others, including options to purchase any securities.
8. Titles to all motor vehicles owned by you or your spouse.
9. All life insurance policies in which you are either the insured or the beneficiary.
10. All promissory notes held by you, and all other documents evidencing any money owed to you either now or in the future.
11. All financial statements furnished by you within the past five years.
12. All deeds, bills of sale, or other documents prepared in connection with any transfer made by you, either by gift, sale, or otherwise within the last five years.

13. A schedule of all regular expenses paid by you, such as installment debts, food, utilities, etc. Include the amount paid, the payee, and, if an installment debt, the amount of debt owing and any security pledged.
14. All documents evidencing any interest you have in any pension plan, retirement fund, or profit-sharing plan.
15. All records pertaining to your assets and finances.
16. Copies of income tax returns for the past three years.
17. All records of any unincorporated business of which you are an owner or part-owner, or have been an owner within the past three years.

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

PLAINTIFF UNITED STATES OF AMERICA		COURT CASE NUMBER Bk. No. 85-00894W/Adv. No.	
DEFENDANT MICHAEL L. AND JUDY R. COOPER		TYPE OF PROCESS JUDGMENT DEBTOR EXAM, SUBPOENA & SUBPOENA DUCES TECUM, NOTICE OF JUDGMENT DEBTOR EXAMINATION	
SERVE ➡ AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN Michael L. Cooper		
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) RR#3 Ionia, Iowa 50645		
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:		Number of process to be served with this Form - 285	
UNITED STATES ATTORNEY 425 Second Street, S.E. Suite 950, The Center Cedar Rapids, Iowa 52401		Number of parties to be served in this case	
		Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Fold

Please serve before February 26, 1991

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

Fold

FEB 15 1991

BARBARA A. EVERLY, CLERK

Signature of Attorney or other Originator requesting service on behalf of: <i>Kristin Tolvstad Davis</i>	PLAINTIFF KRISTIN TOLVSTAD DAVIS	TELEPHONE NUMBER 319-363-6333	DATE
---	-------------------------------------	----------------------------------	------

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin No. 29	District to Serve No. 29	Signature of Authorized USMS Deputy or Clerk <i>DR</i>	Date 2-7-91
---	---------------	------------------------------	-----------------------------	---	----------------

I hereby certify and return that I ☒ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above) <i>Judy R. Cooper</i>	<input checked="" type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.	
Address (complete only if different than shown above)	Date of Service 2-12-91	Time 3:45 pm
	Signature of U.S. Marshal or Deputy <i>William R. Keane</i>	

Service Fee 2.00	Total Mileage Charges (including endeavors) 25.00	Forwarding Fee	Total Charges 27.00	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
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REMARKS:

2-8-91 endorsed by Kirk

PRIOR EDITIONS
MAY BE USED

1. CLERK OF THE COURT

FORM USM-285 (Rev. 12/15/80)


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Page 36

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

PLAINTIFF UNITED STATES OF AMERICA	COURT CASE NUMBER Bk. No. 85-00894W Adv. No. 86-0466W
DEFENDANT MICHAEL L. AND JUDY R. COOPER	TYPE OF PROCESS, JUDGMENT, DEBTOR EXAM SUBPOENA & SUBPOENA DUCES TECUM, NOTICE OF JUDGMENT DEBTOR EXAM

SERVE  **AT**

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
Judy R. Cooper
ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)
RR#3
Ionia, Iowa 50645

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

<u>UNITED STATES ATTORNEY</u> <u>425 Second Street, SE</u> <u>Suite 950, The Center</u> <u>Cedar Rapids, Iowa 52401</u>	Number of process to be served with this Form - 285	
	Number of parties to be served in this case	
	Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):
Fold

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

Fold

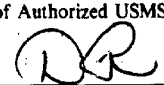
Please serve before February 26, 1991

FEB 15 1991

BARBARA A. EVERLY, CLERK

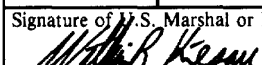
Signature of Attorney or other Originator requesting service on behalf of:  <u>KRISTIN TOLVSTAD DAVIS</u>	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER <u>319-363-6333</u>	DATE <u>2-7-91</u>
--	---	---	-----------------------

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin No. <u>29</u>	District to Serve No. <u>29</u>	Signature of Authorized USMS Deputy or Clerk 	Date <u>2-7-91</u>
---	---------------	-------------------------------------	------------------------------------	--	-----------------------

I hereby certify and return that I ☒ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.
Address (complete only if different than shown above)	Date of Service <u>2-12-91</u>
	Time <u>3:45</u> am
	Signature of U.S. Marshal or Deputy 

Service Fee <u>2.00</u>	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges <u>2.00</u>	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
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REMARKS:

2-8-91 endeavor by Kink

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

IN RE:)	CHAPTER 7
)	
MICHAEL L. COOPER, and JUDY R.	)	BANKRUPTCY NO. 85-00894W
COOPER,)	
Debtors.	)	ADVERSARY NO. 86-0466W
)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff,	)	FILED
	)	U.S. BANKRUPTCY COURT
vs.	)	NORTHERN DISTRICT OF IOWA
)	
MICHAEL L. COOPER, and JUDY R.	)	MAR 13 1991
COOPER,)	
)	
Defendants.	)	BARBARA A. EVERLY, CLERK

ORDER

The Judgment Debtor Examination in the above case scheduled for Wednesday, March 13, 1991, has been continued. The examination will be held on Friday, March 15, 1991, at the time previously scheduled. The Defendants are still bound by the terms of the subpoenas and are required to appear on March 15, 1991.

ORDERED March 13, 1991


BARBARA A. EVERLY, Clerk
United States Bankruptcy Court

Copy to
U.S. Attorney
and Defendants/Debtors
this March 13, 1991 mg

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MAY 23 1991

BARBARA A. EVERLY, CLERK

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

IN RE:)	CHAPTER 7
)	
MICHAEL L. COOPER, and JUDY R.	)	BANKRUPTCY NO. 85-00894W
COOPER,)	
	)	ADVERSARY NO. 86-0466W
Debtors.)	
)	
UNITED STATES OF AMERICA,	)	PRAECIPE FOR WRIT
	)	OF GENERAL EXECUTION
Plaintiff,)	
)	
vs.)	
)	
MICHAEL L. COOPER, and JUDY R.)	
COOPER,)	
)	

The United States of America respectfully requests that the Clerk for the United States Bankruptcy Court for the Northern District of Iowa, issue a Writ of Execution against the above mentioned defendants based upon the judgment rendered in the above mentioned cause, on the 21st day of July, 1987. The terms of that judgment are outlined on the Declaration attached hereto. The total amount due as of May 23, 1991 is \$13,651.28.

Respectfully submitted,

CHARLES W. LARSON
United States Attorney

By,

KRISTIN TOLVSTAD DAVIS
Assistant United States Attorney
425 2nd St. S.E., Suite 950
Cedar Rapids, Iowa 52401
319-363-6333

Copy handed to
filing attorney
on date filed *mg*

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D E C L A R A T I O N

I, Kristin Tolvstad Davis, state that I am an Assistant United States Attorney for the Northern District of Iowa; that I make this unsworn declaration pursuant to Title 28 U.S.C. § 1746; that the United States of America recovered a judgment against the defendants in the sum of \$22,235.37 plus interest accruing thereafter at the rate of 6.64% percent for a total indebtedness of \$13,651.28 as of May 23, 1991.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 23, 1991


KRISTIN TOLVSTAD DAVIS

United States Bankruptcy Court

NORTHERN District of IOWA

In re MICHAEL L. COOPER, and JUDY
R. COOPER

Bankruptcy Case No. 85-00894W

Debtor

Plaintiff UNITED STATES OF AMERICA

v.

Adversary Proceeding No. 86-0466W

Defendant MICHAEL L. COOPER, and JUDY
R. COOPER

WRIT OF EXECUTION TO THE UNITED STATES MARSHAL

Name and Address of Judgment Creditor
United States of America
425 Second Street, S.E.
Suite 950, The Center
Cedar Rapids, Iowa 52401

Amount of Judgment: as of May 23, 1991

\$ 13,651.28

Clerk's Fee:

\$

Other Costs:

\$

Interest From:

\$

Costs of this writ:

\$

vs.

Name and Address of Judgment Debtor
Michael L. and Judy R. Cooper
RR#3
Ionia, Iowa 50645

TO THE UNITED STATES MARSHAL FOR THE Northern DISTRICT OF Iowa:

You are directed to levy upon the property of the above named judgment debtor to satisfy a money judgment in accordance with the attached instructions.

TO THE JUDGMENT DEBTOR:

You are notified that federal and state exemptions may be available to you and that you have a right to seek a court order releasing as exempt any property specified in the marshal's schedule from the levy.

May 23, 1991

Date

Sharon L. Emery
Clerk of the Bankruptcy Court

UNITED STATES MARSHAL'S RETURN

I received this writ on _____, and executed the same on _____.
(date) (date)

United States Marshal

By:

Deputy Marshal

original handed to US Atty 5-24-91 m7

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INSTRUCTIONS TO U.S. MARSHAL
(WRIT OF EXECUTION)

1. After receiving the Writ of Execution issued by the Clerk of United States Bankruptcy Court for the Northern District of Iowa, you shall serve the Notice of Garnishment and Interrogatories on the financial institution at the address listed on the Form USM 285 Process Receipt and Return.

2. Once service has been completed, you shall inquire as to whether the judgment-defendant currently has an account(s), safety deposit box, certificates of deposit, etc. at the garnishee financial institution.

- a. If the financial institution does not maintain any account(s) for the judgment-defendant, the Marshal shall indicate this on the form USM 285 and the financial institution should complete the Interrogatories and send them to the address listed in Paragraph 3.
- b. If the financial institution confirms that the judgment-defendant has an account(s) or any other items listed above, you shall instruct the bank that the funds in the account(s) are seized and levied upon and shall not be disbursed until further order of court. You shall further instruct the financial institution that \$100.00 of the judgment-defendant's account are exempt under Iowa law and this amount should not be subject to the Writ of Execution.

3. You shall further instruct the financial institution that the Interrogatories should be completed and signed by an officer or other responsible party from the bank and return the Office of the United States Attorney, Attention: Financial Litigation Unit, 425 Second Street, S.E., Suite 950, The Center, Cedar Rapids, Iowa, 52401 within ten (10) days from the Date of Service.

4. You shall further instruct the financial institution that all funds currently held in the account(s) of the judgment-defendant are attached and the financial institution shall draft a cashier's check for the non-exempt funds issued to the Clerk of U.S. District Court for the Northern District of Iowa. The amount of the check shall not exceed the amount currently owed, plus accrued interest and costs. The cashier's check shall be mailed to the Clerk of U.S. Bankruptcy Court, Northern District of Iowa, 425 Second Street, S.E., 8th Floor, Cedar Rapids, Iowa, 52401 within ten (10) days from the date of service on the Notice of Garnishment and Interrogatories.

5. The Marshal shall also indicate any other relevant information on the USM 285 relating to the execution in this case.

6. In the event that the financial institution maintains an account(s) in the name of the judgment-defendant, the Marshal shall also serve a Notice of Garnishment upon the judgment-defendants by attempting to locate them at their home address listed on the Form USM-285.

7. The Marshal is also instructed if he has any further questions to contact Kristin Tolvstad Davis, Assistant United States Attorney, at 319-363-6333.